



101 GREENWICH STREET
NEW YORK, NEW YORK 10006
(212) 766-1888
FAX (212) 766-3252
WWW.MDAFNY.COM

October 8, 2021

VIA: ECF

Honorable Andrew E. Krause
The Honorable Charles L. Brieant Jr.
Federal Building and United States Courthouse
300 Quarropas Street, Court Room 520
White Plains, New York 10601-4150

Re: **CARMINUCCI v. PENNELLE, et al**
Docket No.: 18-cv-2936 (AEK)
Our File No.: (MCS) 68426

APPLICATION GRANTED. The parties may file additional submissions regarding the site plan issue on or before October 29, 2021. The parties should still be prepared to discuss this issue at the October 19, 2021 pre-trial conference.

Based on the parties' agreement, the Clerk of the Court is respectfully directed to **TERMINATE** defendant Brian P. Desimone as a party in this action. The Clerk of the Court is also respectfully directed to terminate the motion at ECF No. 71.

Dated: October 12, 2021

SO ORDERED.

A handwritten signature in black ink, appearing to read "Andrew Krause", written over a horizontal line.

ANDREW E. KRAUSE
United States Magistrate Judge

Dear Justice Krause:

I write to you pursuant to the requirements of your Decision & Order dated September 30, 2021.

Following receipt of the Order, your undersigned and plaintiff's attorney conducted a meet and confer conference with respect to whether defendant Desimone should remain a defendant in this case and, also, whether the site plan allegations shall remain a part of this case.

The attorneys have agreed that all claims against defendant Desimone shall be discontinued. The parties were unable to reach a resolution as to the site plan issue and, it is hereby requested that each party be afforded three weeks, pursuant to the Court's Order, to file Submissions on this issue.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kenneth E. Pitcoff", written over a horizontal line.

KENNETH E. PITCOFF

KEP/bl

cc: ALL REPRESENTED PARTIES VIA ECF